



Revised 03/06 WDNY

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

**FORM TO BE USED IN FILING A CIVIL COMPLAINT IN FEDERAL COURT  
(Non-Prisoner Context)**

All material filed in this Court is now available via the **INTERNET**. See **Pro Se Privacy Notice** for further information.

**1. CAPTION OF ACTION**

18 cv 6477

**A. Full Name of Plaintiff:** **NOTE:** *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application or the only plaintiff to be considered will be the plaintiff who filed an application.*

Willie Bentley

-vs-

**B. Full Name(s) of Defendant(s)** **NOTE:** *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. Add a separate sheet, if necessary.*

1. Justin McCarthy

4. \_\_\_\_\_

2. \_\_\_\_\_

5. \_\_\_\_\_

3. \_\_\_\_\_

6. \_\_\_\_\_

**2. STATEMENT OF JURISDICTION, VENUE and NATURE OF SUIT**

*All of these sections **MUST** be answered*

*Identify the basis for federal Court jurisdiction over your claim, such as that the United States government is a party to the action, all the parties reside in different states and therefore you claim diversity jurisdiction, or the claim presents a federal question or arises under federal law.*

**A. Basis of Jurisdiction in Federal Court:** RACE DISCRIMINATION - 42 USC § 2000a  
Disability Discrimination - 42 USC 12182

*State why the Western District of New York is the proper venue for this action, such as that your claim arises in or the defendant resides in the 17 westernmost counties of New York State.*

**B. Reason for Venue in the Western District:** I reside in Livingston County NY  
(Western District of NY)

*Identify the nature of this action, such as that it is a civil rights claim, a personal injury or personal property (tort) claim, a property rights claim, or whatever it is.*

**C. Nature of Suit:** RACE Discrimination at Public accomodation;  
And Disability Discrimination

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**3. PARTIES TO THIS ACTION**

**PLAINTIFF'S INFORMATION** NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name of First Plaintiff: Willie Bentley  
Present Address: 3518 W. Lake Rd Geneseo, N.Y. 14454

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Name of Second Plaintiff: \_\_\_\_\_  
Present Address: \_\_\_\_\_

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**DEFENDANT'S INFORMATION** NOTE: *To list additional defendants, use this format on another sheet of paper.*

Name of First Defendant: Justin M<sup>c</sup>Cathry  
Official Position of Defendant (if relevant): \_\_\_\_\_  
Address of Defendant: 5965 Big Tree Rd Lakeville N.Y 14480

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Name of Second Defendant: \_\_\_\_\_  
Official Position of Defendant (if relevant): \_\_\_\_\_  
Address of Defendant: \_\_\_\_\_

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Name of Third Defendant: \_\_\_\_\_  
Official Position of Defendant (if relevant): \_\_\_\_\_  
Address of Defendant: \_\_\_\_\_

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**4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

A. Have you begun any other lawsuits in **state or federal court** dealing with **the same facts involved in this action**?  
Yes \_\_\_\_\_ No X

If Yes, complete the next section. NOTE: *If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:  
Plaintiff(s): \_\_\_\_\_  
\_\_\_\_\_

Defendant(s): \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): \_\_\_\_\_

3. Docket or Index Number: 18-CV-6477

4. Name of Judge to whom case was assigned: \_\_\_\_\_

5. The approximate date the action was filed: 7-5-2018

6. What was the disposition of the case?

Is it still pending? Yes X No \_\_\_\_\_

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check those statements which apply):

\_\_\_\_\_ Dismissed (check the statement which indicates why it was dismissed):\_\_\_\_\_ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

\_\_\_\_\_ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

\_\_\_\_\_ By court due to your voluntary withdrawal of claim;

\_\_\_\_\_ Judgment upon motion or after trial entered for

\_\_\_\_\_ plaintiff

\_\_\_\_\_ defendant.

**5. STATEMENT OF CLAIM**

**Please note** that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, just tell the story of what happened and do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

**Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

**A. FIRST CLAIM:** On (date of the incident) March 2018

defendant (give the name and (if relevant) the position held of each defendant involved in this incident) \_\_\_\_\_

See Attached

did the following to me (briefly state what each defendant named above did): \_\_\_\_\_

See Attached

The federal basis for this claim is: discrimination b on my handicapped  
disability and Color

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

for Damages

**B. SECOND CLAIM:** On (date of the incident) \_\_\_\_\_,

defendant (give the name and (if relevant) position held of each defendant involved in this incident) \_\_\_\_\_

did the following to me (briefly state what each defendant named above did): \_\_\_\_\_

The federal basis for this claim is: \_\_\_\_\_

State briefly **exactly** what you want the Court to do for you. *Make no legal arguments and cite no cases or statutes:*

**If you have additional claims, use the above format to set them out on additional sheets of paper.**

**6. SUMMARY OF RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

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Do you want a jury trial? Yes ☒ No ☐

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on 8-3-2018  
(date)

**NOTE:** *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

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William Bentley  
Signature(s) of Plaintiff(s)

**I.**

I Willie Bentley, am an African American handicapped, Senior Citizen and I have never seen any of the white handicapped senior citizens questioned as to why they were parking in a handicapped parking spot at my local McDonalds. However, I was questioned as to why I was parked in a handicapped spot in March of 2018. In 2013 I was officially diagnosed as disabled and removed from work by Dr. Merzel. I have a current handicapped parking permit and I keep it in my car at all times.

**II.**

I have been going to the McDonalds in Lakeville, NY to get coffee every morning for years and never had any trouble. In March of 2018, Lia Trimble, a white employee at McDonalds, questioned me about parking in a handicapped parking spot. She said, "You don't look handicapped." She was clearly violating my civil right to privacy, so I told her to mind her own business. I felt that she had no right to know why my doctor had deemed me handicapped and given me a handicapped parking permit. Her line of questioning was more than likely racially motivated as well. I am an African American handicapped, Senior Citizen and I have never seen any of the white handicapped senior citizens questioned as to why they were parking in a handicapped parking spot. I had hoped that after politely asking her to mind her own business that she would let it go. However, she continued to be rude to me throughout the month of March. She would speak to me in a demeaning and condescending tone of voice when taking my order and would gruffly shove my coffee at me while clearly being pleasant and conversational towards the other white customers. It became clear to me that as an African American Senior Citizen I was not welcome at McDonalds anymore.

**III.**

I tried to ignore her actions and just go about my business until on April 3, 2018 Trimble threatened to call the police because I was parked in a handicapped spot that is reserved for individuals with disabilities. I am an individual with a disability and I have just as much right to park in those handicapped spots as the other white disabled individuals have; however, she never questioned their disability. I simply told her to do what she had to do; knowing that I had done nothing wrong. She did not call the police on me that day and I told her to leave me alone and

not bother me. She continued to be rude and condescending when she interacted with me, making me feel extremely unwelcome in a public place, McDonalds of Lakeville, NY; so I decided that I should speak with the district manager, Merica Micheaux, and try to put an end to the discrimination that I was dealing with. I explained everything that had happened and she said, "I do not know why she would do that, all you do is go in and drink your coffee and you have parked in a handicapped spot ever since I have known you." I then explained to her that I simply wanted it to stop so I could feel welcome again while I drank my morning coffee. She said that she would talk to her and I figured that it would stop and everything would go back to normal.

#### IV.

The rudeness, disrespect and discrimination did stop for a few weeks, but then on May 9, 2018, I was drinking my coffee at 8am and about 15 minutes later Trimble walked in with her boyfriend and then 10 minutes after that there was a Livingston County Sheriff parked behind my car. I had no idea what was going on. She never warned me that she was going to be calling the police on me for being parked in a handicapped spot. So I went out to see what was going on and the officer told me that he did not see anything wrong with my handicapped sticker and I was not violating the law. I then went back into McDonalds to finish my coffee and Trimble's boyfriend approached me and aggressively told me that he did not believe that it was my handicapped sticker, that it must be someone else's sticker. I told him to leave me alone and that I was going to talk to the owner, Justin McCarthy. Before I left to go speak with him at the other McDonalds that he owns I told Jessica Poprawski Warner that I wanted Justin to contact me about the harassment that I was receiving. Later I went to the Avon NY McDonalds to speak with Justin McCarthy about how I had been discriminated and harassed at his place of business. When I got there, he asked me what was going on and I said, "Did your district manager tell you that I was being harassed and discriminated against in your store?" He explained that they did not say anything to him until they saw me pull up, so I explained the entire situation that had transpired over the past 3 months. All he could say was, "why, why, you don't do anything, you don't bother anyone, you just sit and drink your coffee." He then apologized and I told him that I did not want any trouble; I just wanted it to stop so that I could sit and enjoy my coffee without being harassed and discriminated against.

**V.**

I hoped at this point that everything would be settled, however, a friend of my told me that Trimble's boyfriend was bad mouthing me around town and saying that I was parking in handicapped spots without a legitimate sticker and calling me distasteful names, so I decided to go back and speak with McCarthy again. He was not there so I left my name and phone number for him and asked him to call me. To this day, I have not heard from him. I did go back to the Lakeville McDonalds and spoke with a different employee while she was on her break. When I asked her why she was treating me so badly she explained that they all knew about it, but had nothing to do with it. This upset me so much that I had to stop going to McDonalds because it was making my medical condition worse.

**VI.**

On June 14, 2018 I filed a claim for discrimination with New York State Division of Human Rights regarding this incident. The Division of Human Rights is still investigating the situation at this time.

**VII.**

I believe that no one should be treated that way and that everyone has the right to the privacy of any medical condition and should not have to go through the scrutiny, harassment and discrimination that I have endured. One should be able to enjoy a pleasant cup of coffee in a public place. All I was looking for was for someone to be disciplined for treating me poorly and for the harassment to stop. I really do not understand why I was treated this way, perhaps because I am an African American; not because I am a handicapped senior citizen, because plenty of other white handicapped senior citizens were not harassed for parking in handicapped spots. I truly hope that all of this harassment will end and I will be able to go back to my hometown McDonalds and enjoy my morning coffee again.

Signature

Willie Bentley

Date

8-3-2018



Bentley Willie  
18-CV-6477

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**Accessible Parking Record**

07/13/2018

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**Permit #:** 0003908601 Permanent  
**Name:** BENTLEY, WILLIE  
**Address:** 3518 W LAKE ROAD  
GENESEO NY 14454  
**Date Issued:** 09/26/2014  
**Date Expires:** 09/30/2019  
**Phone:** (585) 719-6316  
**Birthday:** 05/29/1957  
**Physician:** DHARAM P. SINGLA, MD  
**Comments:** NYSDL # 671477884